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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

NATILIE A. FIX
231 Frances Street
Ventura, California 93003

Physical Therapist Assistant No. AT 5768

Respondent.

Case No. 1D 2006 64685

OAH No. TBD

A C C U S A T I O N

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs (Board).

2. On or about March 23, 2000, the Board of issued Physical Therapist Assistant License Number AT 5768 to Natalie A. Fix (Respondent). This license was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2008, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise

1 indicated.

2 4. Section 2609 of the Code states:

3 “The board shall issue, suspend, and revoke licenses and approvals to practice
4 physical therapy as provided in this chapter.”

5 5. Section 2660 of the Code states:

6 “The board may, after the conduct of appropriate proceedings under the
7 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose
8 probationary conditions upon any license, certificate, or approval issued under this chapter for
9 unprofessional conduct that includes, but is not limited to, one or any combination of the
10 following causes:

11 “. . .

12 (d) Conviction of a crime which substantially relates to the qualifications,
13 functions, or duties of a physical therapist or physical therapy assistant. The record of
14 conviction or a certified copy thereof shall be conclusive evidence of that conviction. . . .”

15 6. Section 2661 of the Code states:

16 “A plea or verdict of guilty or a conviction following a plea of nolo contendere
17 made to a charge of a felony or of any offense which substantially relates to the qualifications,
18 functions, or duties of a physical therapist is deemed to be a conviction within the meaning of
19 this article. The board may order the license suspended or revoked, or may decline to issue a
20 license, when the time for appeal has elapsed, or the judgement of conviction has been affirmed
21 on appeal or when an order granting probation is made suspending the imposition of sentence,
22 irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person
23 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict
24 of guilty, or dismissing the accusation, information, or indictment.”

25 7. Section 2661.5, subdivision (a) of the Code states:

26 “In any order issued in resolution of a disciplinary proceeding before the board,
27 the board may request the administrative law judge to direct any licensee found guilty of
28 unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of

1 the investigation and prosecution of the case.”

2 8. California Code of Regulations, Title 16, section 1399.20, states:

3 “For the purposes of denial, suspension or revocation of a license, pursuant to
4 Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be
5 substantially related to the qualifications, functions or duties of a person holding a license under
6 the Physical Therapy Practice Act if to a substantial degree it evidences present or potential
7 unfitness of a person to perform the functions authorized by the license or approval in a manner
8 consistent with the public health, safety or welfare. Such crimes or acts shall include but not be
9 limited to the following:

10 “(a) Violating or attempting to violate, directly or indirectly, or assisting in or
11 abetting the violation of, or conspiring to violate any provision or term of the Physical
12 Therapy Practice Act. . . .”

13 9. Section 490 of the Code states:

14 “A board may suspend or revoke a license on the ground that the licensee has
15 been convicted of a crime, if the crime is substantially related to the qualifications,
16 functions, or duties of the business or profession for which the license was issued. A
17 conviction within the meaning of this section means a plea or verdict of guilty or a
18 conviction following a plea of nolo contendere. Any action which a board is permitted to
19 take following the establishment of a conviction may be taken when the time for appeal
20 has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order
21 granting probation is made suspending the imposition of sentence, irrespective of a
22 subsequent order under the provisions of Section 1203.4 of the Penal Code.”

23 10. Section 493 of the Code states:

24 “Notwithstanding any other provision of law, in a proceeding conducted by a board
25 within the department pursuant to law to deny an application for a license or to suspend or revoke
26 a license or otherwise take disciplinary action against a person who holds a license, upon the
27 ground that the applicant or the licensee has been convicted of a crime substantially related to the
28 qualifications, functions, and duties of the licensee in question, the record of conviction of the

1 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
2 and the board may inquire into the circumstances surrounding the commission of the crime in
3 order to fix the degree of discipline or to determine if the conviction is substantially related to the
4 qualifications, functions, and duties of the licensee in question.

5 “As used in this section, ‘license’ includes ‘certificate,’ ‘permit,’ ‘authority,’ and
6 ‘registration.’”

7 CAUSE FOR DISCIPLINE

8 (Conviction of a Crime)

9 11. Respondent is subject to disciplinary action under sections 2660,
10 subdivision (d), and 2661 of the Code, and California Code of Regulations, Title 16, section
11 1399.20, subdivision (a), in that she was convicted of a crime substantially related to the
12 qualifications, functions, or duties of a physical therapist assistant. The circumstances are as
13 follows:

14 A. On or about June 9, 2004, Respondent left her place of employment at the
15 Venturan Convalescent Hospital (Venturan), pulled out of the driveway in her vehicle,
16 and deliberately drove in front of another vehicle, forcing the other vehicle to change
17 lanes. The driver of the other vehicle “flipped off” Respondent, who then drove up next
18 to the other driver and started yelling at her. Respondent followed the other driver home,
19 yelled at her, and punched her in the upper body with a closed fist. When the victim
20 backed away and then fell, Respondent kicked her several times in the upper body. A
21 neighbor intervened, Respondent left, and the victim called 911. After reporting the
22 incident to the police department, the victim when back to the location where she first
23 saw Respondent, contacted the manager of the Venturan, and learned the identity of
24 Respondent who worked as a physical therapist at that facility.

25 B. A complaint was filed against Respondent in a criminal proceeding
26 entitled *People v. Natalie Ann Fix*, in Superior Court, Ventura County, Case Number
27 2004025543, charging her with battery, a violation of Penal Code section 242, a
28 misdemeanor.

1 C. On or about July 29, 2005, Respondent was convicted by a plea of nolo
2 contendere to battery. She was placed on probation for three years. The court ordered her
3 to pay fees totaling \$422.00 and to pay restitution to the victim. She was also ordered to
4 attend a minimum of 10 anger management classes and serve 20 days in county jail.

5 DISCIPLINE CONSIDERATIONS

6 12. To determine the degree of discipline, if any, to be imposed on
7 Respondent, Complainant alleges that on or about September 11, 2003, in a prior criminal
8 proceeding in Ventura County Superior Court, Case Number 2003025291, Respondent was
9 convicted by a plea of guilty to disturbing the peace by fighting, a violation of Penal Code section
10 415(1), a misdemeanor. She was ordered to pay fines and fees totaling \$508.00. In about 1999,
11 in a prior criminal proceeding in Ventura County Municipal Court, Case Number 99C002994,
12 Respondent was convicted by a plea of guilty to willfully resisting a peace officer, a violation of
13 Penal Code section 148(a), a misdemeanor. She was placed on probation for three years and was
14 ordered to pay fines totaling \$270.00. The records of these criminal proceeding are incorporated
15 as if fully set forth.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

- 1. Revoking or suspending Physical Therapist Assistant Number AT 5768, issued to Natilie A. Fix;
- 2. Ordering Natilie A. Fix to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.3;
- 3. Taking such other and further action as deemed necessary and proper.

DATED: October 19, 2006

Original Signed By:
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant